RESOLUTION 2013-20

Agenda Item

TO: Mayor and City Council

FROM: Mark S. Gaugh, City Manager

DATE: June 3, 2013

RE: Resolution - Mediacom Pole Attachment Agreement

Issues

The City allows Mediacom and CenturyLink to attach their infrastructure to the City's electric poles. Rent is charged for this usage, and the rental rates have not been adjusted for several years, per previous contracts. Those agreements have expired, so we have developed a new rate structure that will account for rental increases each year to reflect the value of the use of the poles. Fees are shown in the attached agreement. This agreement only applies to Mediacom and we are still negotiating with CenturyLink.

Recommendation

Staff recommends that the Council approve the attached agreement by Resolution.

Resolution 2013-20

A RESOLUTION AUTHORIZING EXECUTION OF A GENERAL AGREEMENT FOR NON-EXCLUSIVE USE OF CITY UTILITY POLES WITH MCC MISSOURI LLC AUTHORIZING USE OF CITY POLES AND PUBLIC RIGHTS-OF-WAY

WHEREAS, the City is authorized to the establish fees and procedures for the license, lease or use of public facilities; and

WHEREAS, Missouri law further authorizes the City to regulate and manage the use and construction in the public rights-of-way and to provide consent to others to use the public rights-of-way, and

WHEREAS, the City is the owner of certain utility poles in the corporate limits, and Missouri law and Section 10.5-101 of the Cameron City Code of Ordinances (enacted by Ordinance No. 5758 on 1-15-2013) requires a pole attachment agreement for any person to attach or maintain any fixture to or place or maintain any facilities or wires on any utility pole or other fixture or facility of the City within City rights-of-way or easements;

WHEREAS, MCC Missouri, LLC ("Mediacom"), desires to use or continue to use the City's poles and facilities for the purpose of construction, operation, and maintenance of a cable system;

WHEREAS, the City Council of the City of Cameron finds such use to be in the public interest and is willing to enter into a pole attachment agreement to allow Mediacom to utilize certain City-owned utility poles for such purposes and to provide for the joint use of City-owned utility poles to meet their service requirements; and

WHEREAS, Mediacom acknowledges that the City's facilities are primarily for service to the public and that licensing use by other is an accommodation by the City for which Mediacom intends and agrees to be bound by the terms and provisions of the Cameron Code of Ordinances and the pole attachment agreement granted hereunder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAMERON, MISSOURI as follows:

Section 1: The Mayor or City Manager is hereby authorized to execute the attached GENERAL AGREEMENT FOR NON-EXCLUSIVE USE OF CITY UTILITY POLES with Mediacom attached hereto and incorporated herein by this reference.

Section 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved by the City Council on this 3rd day of June 2013.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk

EXHIBIT 1

GENERAL AGREEMENT FOR NON-EXCLUSIVE USE OF CITY UTILITY POLES BETWEEN MCC MISSOURI, LLC AND THE CITY OF CAMERON